

REMARKS

Applicant has carefully considered the June 15, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-2 and 7-14 were pending in this application. In response to the Office Action dated June 15, 2006, claim 7 has been canceled and claims 1 and 14 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1, 7 and 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated over Hosokawa et al. (U.S. Pat. No. 6,280,861, hereinafter "Hosokawa"). Applicant respectfully traverses. Claim 7 has been cancelled and, therefore, the rejection is moot with respect to this claim.

Applicant stresses that the factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003); *Crown Operations International Ltd. v. Solutia Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002). Moreover, there are significant differences between the claimed invention and the device/methodology disclosed by Hosokawa that would preclude

the factual determination that Hosokawa identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

Hosokawa describes, at column 15, lines 14-36, that the specific example of the materials of the hole injection layer include an amino-substituted chalcone derivative, an aniline-based copolymer, a porphyrin compound, an aromatic tertiary amine compound, a styrylamine compound, and inorganic semiconductors such as a p-type Si and p-type SiC, and the hole-injecting layer may have a single-layer structure formed of one or more of the above materials, or it may have a structure of a plurality of layers formed of one composition or different compositions.

However, Hosokawa fails to disclose a first hole injection layer including a phthalocyanine-based compound and a second hole injection layer including a carbon-based halide, as recited in amended claims 1 and 14. Hence, Hosokawa fails to identically disclose or suggest the claims organic EL device including a stacked structure of a phthalocyanine-based compound and a carbon-based halide.

Moreover, as disclosed in the present specification, the effects brought out from the stacked structure of the first hole injection layer including the phthalocyanine-based compound and the second hole injection layer including the carbon-based halide are described in Table 1 on page 17 of the specification of the present application. For the Examiner's convenience, Applicant has reproduced this section of the specification below.

Table 1

	first hole injection layer material	second hole injection layer material	initial drive voltage (V)	voltage increases after photoirradiation(V)
Comparative Example 1	CuPu	-	9.0	0.3
Comparative Example 2	-	CF _x	6.0	2.0
Inventive Example 1	CuPu	CF _x	6.1	0.5

As shown in Table 1, the initial drive voltages of the organic EL devices in Inventive Example 1 and Comparative Example 2 are reduced as compared with that of the organic EL device in the Comparative Example 1. Further, the voltage increases after irradiation of the organic EL devices in Inventive Example 1 and Comparative Example 1 are reduced as compared with that of the organic EL device in Comparative Example 2.

It can be seen, therefore, that in the organic EL device in Comparative Example 1 with only the first hole injection layer 3a made of CuPc, reduction in the initial drive voltage was not realized, while in the organic EL device in Comparative Example 2 with only the second hole injection layer 3b made of CF_x, reduction in the voltage increase after photoirradiation was not realized.

On the other hand, in the organic EL device in Inventive **Example 1 with the first hole injection layer 3a and second hole injection layer 3b, reductions in the initial drive voltage and voltage increase after photoirradiation were realized** (emphasis added).

The above argued differences between the claimed invention and the device/methodology disclosed by Hosokawa undermines the factual determination that Hosokawa discloses the organic EL device and method identically corresponding to that recited in claims 1 and 14, as amended. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793

F.2d 1565, 230 U.S.P.Q. 86 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1 and 10-14 under 35 U.S.C. § 102 for lack of novelty as evidenced by is not factually viable and, hence, solicit withdrawal thereof.

Claims 2, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosokawa. Applicant respectfully traverses. Applicant incorporates herein the arguments previously advanced in traversal of the rejection of claims 1, 7 and 10-14 under 35 U.S.C. § 102(b) predicated upon Hosokawa. Dependent claims 2, 8 and 9 are free from the applied art in view of their dependency from claim 1. Accordingly, reconsideration and withdrawal of the rejection are solicited.

It is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

10/809,916

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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